

JUDGE SWAIN

16 CV 7298

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KRISTY M. WAGNER,

PLAINTIFF

v.

SUNPOWER CORPORATION

SUNPOWER CORPORATION, SYSTEMS

DEFENDANTS.

FILED
U.S. DISTRICT COURT
2016 SEP 19 PM 4:34
S.D. OF N.Y.

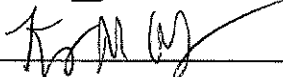
COMPLAINT

1. Plaintiff, KRISTY WAGNER (hereinafter, "PLAINTIFF"), is a citizen of the United States of America, currently or previously having an address of 7 Richard Lane, Huntington, NY 11743.
2. SUNPOWER CORPORATION and SUNPOWER CORPORATION, SYSTEMS (collectively, together with all predecessor and successor entities and persons including agents, attorneys, consultants, partners, affiliates and personnel thereof, "DEFENDANT"), compan(y)(ies) subject to reporting requirements under the laws of the United States of America.
3. On or before November 1, 2011 (the "INCEPTION DATE"), PLAINTIFF began providing legal services to DEFENDANT; in addition, DEFENDANT has benefitted from PLAINTIFF's goodwill, jointly created work and other intangibles.
4. On or after the Inception Date, PLAINTIFF notified DEFENDANT (verbally and in writing), including by notifying a person who identified himself as "Kenneth Mahaffey", Defendant's "Vice President, General Counsel of Global Business Units" and several other persons acting for or on behalf of DEFENDANT, that she required accommodation, including as a result of one or more health issues.
5. On one or more occasions since the Inception Date, PLAINTIFF notified DEFENDANT that the utilization (or the appearance thereof) of one or both of "Adam Seth Umanoff" and "Edward Zaelke" to provide legal services on transactions with respect to which PLAINTIFF had been or would be providing legal services would result in a hostile work environment and would continue to deprive PLAINTIFF of the benefit of (and thereby violate) one or more laws of the United States of America including, without limitation, the Constitution of the United States; the District of Columbia Human Rights Act, as codified D.C. Code § 2-1402; Americans with Disabilities Act of 1990, as codified 42 U.S.C.A. § 12112 *et seq.*; Title VII of the Civil Rights Act of

1964, as codified 42 U.S.C.[A.] § 2000e *et seq.*; and the Equal Pay Act, as codified 29 U.S.C.[A.] § 206(d)(collectively, as each such law or regulation has heretofore or may hereafter be amended, the "Relevant Laws").

6. Since the Inception Date, DEFENDANT has failed to lawfully compensate PLAINTIFF.
7. PLAINTIFF hereby requests immediate injunctive relief and that the court permanently restrain and enjoin DEFENDANT from (directly or indirectly): (i) utilizing any documentation, "know-how" or other items or things created, or contributed to, by PLAINTIFF; (ii) interfering (and/or threatening to interfere) with each of the following: PLAINTIFF's livelihood, career and economic opportunities; (iii) directly or indirectly threatening the goodwill and reputation of PLAINTIFF; and (iv) violating the Relevant Laws or otherwise allowing one or more persons or third parties to infringe upon the exercise of rights by PLAINTIFF.
8. PLAINTIFF demands (i) the immediate and irrevocable payment in US DOLLARS of \$17,333,959 in immediately available funds (the "IMMEDIATE PAYMENT AMOUNT") to the BANK OF AMERICA account specified by PLAINTIFF to DEFENDANT in one or more written correspondences issued prior to the commencement of the instant litigation; and (ii) the upward adjustment of the Immediate Payment Amount (such adjustment, the "SUBSEQUENT AMOUNT") based upon the opinion of an expert to be mutually selected by PLAINTIFF and DEFENDANT within three (3) calendar days of the commencement of the instant litigation; the Subsequent Amount to be immediately due and payable not later than three (3) calendar days after the selection of said expert.

Date of signing: September 19, 2016

Signature of Plaintiff: 

Printed Name of Plaintiff: Kristy M. Wagner

JS 44C/SDNY
REV. 07/08/16

JUDGE SWAIN

CIVIL COVER SHEET

16 CV 7298

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

SEP 19 2016

PLAINTIFFS

Kristy M. Wagner

DEFENDANTS

SunPower Corporation
SunPower Corporation Systems

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Kristy M. Wagner

Pro Se
7 Richard Lane
Huntington NY 11743CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Deprivation Constitutional and Civil Rights; violations Equal Pay Act

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- ☐ 110 INSURANCE
☐ 120 MARINE
☐ 130 MILLER ACT
☐ 140 NEGOTIABLE INSTRUMENT
☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
☐ 151 MEDICARE ACT
☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
☐ 160 STOCKHOLDERS SUITS
☐ 190 OTHER CONTRACT
☐ 195 CONTRACT PRODUCT LIABILITY
☐ 196 FRANCHISE

PERSONAL INJURY

- ☐ 310 AIRPLANE
☐ 315 AIRPLANE PRODUCT LIABILITY
☐ 320 ASSAULT, LIBEL & SLANDER
☐ 330 FEDERAL EMPLOYERS' LIABILITY
☐ 340 MARINE
☐ 345 MARINE PRODUCT LIABILITY
☐ 350 MOTOR VEHICLE
☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
☐ 360 OTHER PERSONAL INJURY
☐ 362 PERSONAL INJURY - MED MALPRACTICE

PERSONAL INJURY

- ☐ 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
☐ 365 PERSONAL INJURY PRODUCT LIABILITY
☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD
☐ 371 TRUTH IN LENDING

FORFEITURE/PENALTY

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
☐ 690 OTHER

BANKRUPTCY

- ☐ 422 APPEAL 28 USC 158
☐ 423 WITHDRAWAL 28 USC 157

PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS
☐ 830 PATENT
☐ 840 TRADEMARK

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
☐ 862 BLACK LUNG (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID TITLE XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
☐ 871 IRS-THIRD PARTY 26 USC 7609

OTHER STATUTES

- ☐ 375 FALSE CLAIMS
☐ 376 QUI TAM
☐ 400 STATE REAPPORTIONMENT
☐ 410 ANTITRUST
☐ 430 BANKS & BANKING
☐ 450 COMMERCE
☐ 460 DEPORTATION
☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
☐ 480 CONSUMER CREDIT
☐ 490 CABLE/SATELLITE TV
☐ 850 SECURITIES/ COMMODITIES/ EXCHANGE
☐ 890 OTHER STATUTORY ACTIONS
☐ 891 AGRICULTURAL ACTS
☐ 893 ENVIRONMENTAL MATTERS
☐ 895 FREEDOM OF INFORMATION ACT
☐ 896 ARBITRATION
☐ 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
☐ 950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

- ☐ 210 LAND CONDEMNATION
☐ 220 FORECLOSURE
☐ 230 RENT LEASE & EJECTMENT
☐ 240 TORTS TO LAND
☐ 245 TORT PRODUCT LIABILITY
☐ 290 ALL OTHER REAL PROPERTY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- ☐ 440 OTHER CIVIL RIGHTS (Non-Prisoner)
☒ 441 VOTING
☐ 442 EMPLOYMENT
☐ 443 HOUSING/
☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
☐ 446 AMERICANS WITH DISABILITIES - OTHER
☐ 448 EDUCATION

PRISONER PETITIONS

- ☐ 463 ALIEN DETAINEE
☐ 510 MOTIONS TO VACATE SENTENCE 28 USC 2255

- ☐ 530 HABEAS CORPUS
☐ 535 DEATH PENALTY
☐ 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- ☐ 550 CIVIL RIGHTS
☐ 555 PRISON CONDITION
☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

IMMIGRATION

- ☐ 462 NATURALIZATION APPLICATION
☐ 465 OTHER IMMIGRATION ACTIONS

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
 IF SO, STATE: _____

DEMAND \$ YES OTHER YES JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

- ORIGIN**
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented ☐ b. At least one party is pro se. ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Pro se, Kristy M. W. & Co
7 Richard Lane
Huntington, NY 11743

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21. DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE

9/19/2016

SIGNATURE OF ATTORNEY OF RECORD

PRO SE INTAKE UNIT

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

MAG. JUDGE PITMAN

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)